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AZ CORP COMMISSION  
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Attorney for Midvale Telephone Exchange, Inc.

**BEFORE THE ARIZONA CORPORATION COMMISSION**

**COMMISSIONERS**

MIKE GLEASON - Chairman  
JEFF HATCH-MILLER  
WILLIAM A. MUNDELL  
KRISTIN K. MAYES  
GARY PIERCE

**IN THE MATTER OF THE  
APPLICATION OF MIDVALE  
TELEPHONE EXCHANGE, INC. FOR  
AUTHORIZATION TO PROVIDE  
FACILITIES-BASED LOCAL EXCHNAGE  
SERVICE TO CURRENTLY UNSERVED  
RESIDENTIAL DEVELOPMENTS  
KNOWN AS CROSSROADS RANCH,  
POQUITO VALLEY AND BEEZY PINE.**

<sup>2</sup>  
DOCKET NO.: T-0253A-03-0017

**COMPLIANCE STATUS FILING**

Arizona Corporation Commission

**DOCKETED**

NOV -7 2008

DOCKETED BY

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Midvale Telephone Exchange, (hereinafter "Midvale" or "Applicant"), through counsel, provides the following information regarding its compliance with Decision 66510 in the above captioned docket.

**I. REQUIRED COMPLIANCE**

Midvale has one remaining compliance issue stemming from Decision 66510. The decision requires Midvale to:

1 File a certification with the Director of the Utilities Division that all the required  
2 tower and right of way permits have been obtained within 365 days of the  
effective date of this Decision.

## 3 **II. COMPLIANCE STATUS**

4 On May 25, 2007, Midvale filed a letter addressed to Ms. Kanlan in the Commission's  
5 Compliance Division updating the status of Midvale's Compliance with the requirement above.  
6 The letter indicated that while Midvale originally intended to serve the Poquito subdivision by  
7 locating a receiving microwave radio tower in the subdivision, that plan met substantial  
8 resistance from the homeowners. The plan was abandoned in favor of serving the area by  
9 underground cable. The filing is a follow-up to that letter and updates the status of Midvale's  
10 various permit applications required for the installation of necessary cable.

### 11 **A. National Forest Service Permitting**

12 An application was submitted on February 20, 2007, to cross approximately ten miles  
13 within the Prescott National Forest. The required application has been submitted to, and accepted  
14 by the National Forest Service. The National Forest Service and Midvale have provided all  
15 requested information required under the National Environmental Policy Act for evaluation of  
16 Midvale's permit application. The National Forest Service has estimated that a decision on the  
17 application will be issued by the end of 2008.

### 18 **B. Bureau of Land Management Permitting**

19 An application was submitted on October 29, 2007 to cross approximately ½ mile of land  
20 administered by the Bureau of Land Management (BLM). It is our understanding that the BLM  
21 has only recently assigned personnel to evaluate the application. Midvale hopes to receive the  
22 BLM decision early in 2009.

### 23 **C. Arizona State Land Department Permitting**

24 An application was submitted on March 18, 2008 to cross approximately seven miles of  
25 Arizona Trust Lands over which the Arizona State Land Department (ASLD) exercises

1 authority. ASLD has informed Midvale that ASLD has all required information to make its  
2 decision. Midvale anticipates a decision in early 2009.

3 **D. Arizona Department of Transportation Permitting**

4 An application was submitted to the Arizona Department of Transportation (ADOT) on  
5 April 30, 2008 to cross approximately seven miles of State Route 89A right of way. On August  
6 26, 2008, ADOT informed Midvale that all required information has been received and a permit  
7 to construct will be issued within 30 days of Midvale beginning construction.

8 **E. Yavapai County Permitting**

9 On January 11, 2008, Yavapai County indicated it had no concerns regarding the project.  
10 The County further indicated that it would issue an easement to occupy the right-of-way upon  
11 receipt of an application. Midvale will submit its application early in 2009 when the other  
12 permitting agencies near completion of their respective permitting processes.

13 **III. CONCLUSION**

14 Due to concerns regarding its construction of the planned microwave tower, progress on  
15 the Poquito project has been significantly delayed. Midvale is moving forward with providing  
16 service to the area via buried cable. Applications for required permits have been submitted with  
17 the exception of the Yavapai County right-of-way permit. Yavapai County has indicated it will  
18 issue a permit shortly the application is received. Midvale will update this filing as soon as  
19 permitting is complete.

20 RESPECTFULLY SUBMITTED this 17th day of November, 2008.

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24   
25 Gary H. Horton, Esq.  
Attorney for Midvale Telephone Exchange, Inc.

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4  
5 Original and 14 copies of the foregoing  
mailed this 7<sup>th</sup> day of November, 2008 to:

6  
7 Docket Control  
Arizona Corporation Commission  
1200 West Washington St.  
8 Phoenix, Arizona 85007-2996

9 Copies of the foregoing mailed this  
10 7<sup>th</sup> day of November, 2008 to:

11 Lynn Farmer, Esq.  
12 Chief Administrative Law Judge  
Hearing Division  
13 Arizona Corporation Commission  
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